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10 Attorneys for Third Parties
11 THEODORE KRAMER and
12 THOMAS SCARAMELLINO

FILED
SAN MATEO COUNTY
MAY 08 2019

Clerk of the Superior Court
By  DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN MATEO

Six4Three, a Delaware limited liability
company,

Plaintiff;

v.

Facebook, Inc., a Delaware corporation;
Mark Zuckerberg, an individual;
Christopher Cox, an individual; **Javier**
Olivan, an individual; **Samuel Lessin**, an
individual; **Michael Vernal**, an individual;
Ilya Sukhar, an individual; and **Does 1-50**,
inclusive,

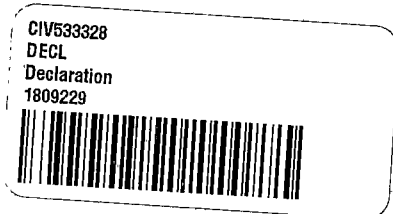
Defendants.

Case No. CIV533328

Assigned for all purposes to Hon. V.
Raymond Swope, Dep't 23

DECLARATION OF THEODORE KRAMER

[SIGNATURE BY FAX]



1 I, Theodore Kramer, declare under penalty of perjury as follows.

2 1. My name is Theodore Kramer. I am over the age of 18 and have personal
3 knowledge of the facts set forth herein and I could and would testify to them if called to do so.

4 2. Attached as Exhibit 1 is a true and correct copy of an email I received from
5 Damian Collins on May 1, 2019 with all of its attachments.

6 3. I made the request of the U.K. Parliament that they provide this information after
7 I read a letter dated April 3, 2019 from Attorney Josh Lerner, Counsel for Facebook in this case.
8 A true and correct copy of that letter is attached as Exhibit 2.

9 4. On May 3, 2019, I received by email copies Special Interrogatories and Requests
10 for Production of Documents purportedly issued by the "Individual Defendants" in this action.
11 True and correct copies of those documents are attached as Exhibit 3 and 4, respectively.

12
13 I declare under penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct and that this declaration was entered into on May 7, 2019 in San
15 Francisco, California.

16
17 
Theodore Kramer (May 7, 2019)

18 Theodore Kramer
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Exhibit 1

From: **COLLINS, Damian** <damian.collins.mp@parliament.uk>
Date: Wed, May 1, 2019 at 3:17 AM
Subject: Re: Correspondence from Six4Three
To: Ted Kramer <ted@six4three.com>, CHALLENGER, Chloe <CHALLENGERC@parliament.uk>
CC: Jack Russo <jrusso@computerlaw.com>, Eric.Lewis@lbkmlaw.com <Eric.Lewis@lbkmlaw.com>

Dear Mr Kramer

Following your letter of 16th April 2019 the Committee has agreed to share with you correspondence we received from Facebook and its representatives relating to the documents ordered from Six4Three. These consist of an email exchange on Sunday 25th November between myself and Richard Allan, the Director of Policy in Europe for Facebook, and two letters from the law firm Hogan Lovells who were acting on behalf of Facebook, which were sent to the Speaker's Counsel at the House of Commons. I have attached copies of these documents to this email.

The Speaker's Counsel has already provided information requested by the Court in San Mateo relating to the powers of the House of Commons to order the receipt of documents and to publish them under parliamentary privilege. My email to Richard Allan, further to my other public statements at time, sets out why we believed that the documents we received from Six4Three were important to the Committee's inquiry into disinformation and fake news. Indeed, the documents were subsequently referred to extensively in the final report of our inquiry and also referenced in the March 2019 report by the UK government's Digital Competition Expert Panel, chaired by Jason Furman.

I can confirm as well that the committee only had access to the documents that had been sealed by the court in San Mateo relating to the Six4Three case after you complied with the order to produce them.

Kind regards

Damian

Damian Collins

MP for Folkestone and Hythe

Chair of the Digital, Culture, Media and Sport Select Committee

T 020 7219 7072

www.damiancollins.com

From: Ted Kramer <ted@six4three.com>
Date: Tuesday, 16 April 2019 at 00:19
To: Damian Collins <damian.collins.mp@parliament.uk>, "Culture, Media & Sport Committee" <CMSCOM@parliament.uk>, "CHALLENGER, Chloe" <CHALLENGERC@parliament.uk>, "WILLOWS, Josephine" <Willowsj@parliament.uk>
Cc: Jack Russo <jrusso@computerlaw.com>, "Eric.Lewis@lbkmlaw.com" <Eric.Lewis@lbkmlaw.com>
Subject: Correspondence from Six4Three

Mr. Collins,

Please see attached.

You and your committee's response is urgently requested.

Thank you.

--
Ted Kramer
Managing Director

Six4Three, LLC

t: 914-589-3900 || f: 646-861-6562

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--
Ted Kramer
Managing Director

Six4Three, LLC

t: 914-589-3900 || f: 646-861-6562

From: COLLINS, Damian
Sent: 25 November 2018 18:53
To: Richard Allan <ric@fb.com>
Cc: Culture, Media & Sport Committee <CMSCOM@parliament.uk>; Rebecca Stimson <rstimson@fb.com>; Anna Benckert <annakb@fb.com>
Subject: Re: Facebook correspondence

Dear Richard

Thank you for your email.

My understanding is that an order by the court to seal documents in a case like this is not common practice in the USA. However, that is a matter for the court in California, and not my committee. As you know, as a member of parliament yourself, the House of Commons has the power to order the production of documents within the UK jurisdiction, and a committee of the House can publish such documents if it chooses to, with the protection of parliamentary privilege.

The Committee's interest in the documents we have requested relates to their relevance to our ongoing inquiry into disinformation and fake news. As you know, we have asked many questions of Facebook about its policies on sharing user data with developers, how these have been enforced, and how the company identifies activity by bad actors. We believe that the documents we have ordered from Six4Three could contain important information about this which is of a high level of public interest. We are also interested to know whether the policies of Facebook, as expressed within these documents, are consistent with the public statements the company has made on the same issues.

The Committee does not hold a position regarding the case that Six4Three has made against Facebook and, by ordering these documents, we are not in any way seeking to support their claim. I note, however, that Facebook allowed the 'Pikinis' App to run on its platform, which it did successfully without restriction until the wider changes in policy in 2014/15.

You mention the changes in Facebook policy to restrict access to data by apps in 2014/2015, and, in particular, the access rights of third-party developers to users' friend data, and whether we no longer support this change. As you know, the committee has expressed its concerns about the access to data that was allowed without users' knowledge or consent prior to 2014. However, our interest here is in how Facebook restricts developer access to data under these new rules, whether the restrictions are uniformly enforced, and what consent users have about this. I believe that these documents may contain important information for the Committee on all of these points.

Finally, you raise the issue of the sub judice rules. As you know, this is not a matter before courts in the UK, and the sub judice rules are applied very differently in the USA, where the First Amendment rights of free speech allow much more open discussion of cases.

I look forward to seeing you again on Tuesday.

Kind regards

Damian

Damian Collins
MP for Folkestone and Hythe
Chair of the Digital, Culture, Media and Sport Select Committee

T 020 7219 7072
www.damiancollins.com

From: Richard Allan
Date: Sunday, 25 November 2018 at 15:45
To: Damian Collins
Subject: Facebook correspondence

Dear Damian,

I am writing to you concerning the documents that you have obtained from the company Six4Three.

As you know, these documents date from 2013-14 and were disclosed as part of a proceeding brought by Six4Three against Facebook, and are under seal by Court order (as is common practice in US proceedings of this nature). The court that sealed the documents is due to consider these latest developments as early as tomorrow. It will be helpful for all of us to see Six4Three's explanation and any directions given by the judge in this case as we consider their legal status.

This case has become a matter of public debate and it is important that participants in this debate understand its context.

The app that had been developed by Six4Three was designed to surface images of women in bikinis that had been shared by friends. It received some press attention (New 'Pikinis' App Helps Creeps Find Your Bikini Pics With Ease (<https://jezebel.com/new-pikinis-app-helps-creeps-find-your-bikini-pics-with-479775602>)) when it was launched. We understand that around 4,500 people installed the app.

Since then, the company has filed multiple complaints against Facebook. We consider these to be entirely without merit and that the repeated filings demonstrate that this is more about attacking our company than it is about a credible legal claim. While plaintiffs are free to file any complaint they wish to, however far-fetched, it is important not to take claims made in commercial cases like these at face value.

Most importantly, we hope you will want to reflect on the core issue behind the complaint being brought by Six4Three. The case being brought by Six4Three is a challenge against our efforts to restrict access to data by apps in 2014/2015. We are contesting this challenge in the litigation.

We have faced extensive criticism over the last few months for the fact that the app ThisIsYourDigitalLife, which your committee has looked at extensively, was able to access data shared with an installer of the app by their friends. We explained that we moved to restrict such access to friend data when we updated the API used by 3rd party developers over the period 2014 to 2015. This change was a significant one affecting thousands of applications and was communicated to them clearly and in advance. On earlier occasions, your Committee appeared to endorse this more restrictive approach. If this has now changed, it would be useful to understand why.

Finally, I am conscious of your committee's hearing on Tuesday where I am due to appear. I understand that Parliamentary privilege protects participants for anything said during a hearing of your committee. However, I am also mindful that this matter is sub judice before a court in California. It may be helpful for us to discuss this matter again after we have further guidance from the court.

Yours sincerely,

Richard Allan.

From: Richard Allan <ric@fb.com>
Sent: 25 November 2018 15:38
To: COLLINS, Damian <damiian.collins.mp@parliament.uk>
Cc: Culture, Media & Sport Committee <CMSCOM@parliament.uk>; Rebecca Stimson <rstimson@fb.com>; Anna Benckert <annakb@fb.com>
Subject: Facebook correspondence

Dear Damian,

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Yours sincerely,

Richard Allan.

27 November 2018

By email and post

Speaker's Counsel
House of Commons
Richmond House
London SW1A 0AA

Charles Brasted
Partner
charles.brasted@hoganlovells.com
D +44 20 7296 5025

Our ref C6/CRNB/9068733
Matter ref 160636/000005

Dear Sirs

DCMS COMMITTEE ORDER TO PRODUCE CONFIDENTIAL INFORMATION – THEODORE KRAMER

We are instructed by Facebook, Inc. ("Facebook"). We refer to your letter of 23 November 2018, addressed to Mr Godkin, the US attorney for Mr Theodore Kramer, principal of SIX4THREE, LLC ("Six4Three").

Background

As you are aware, the Digital, Culture, Media and Sport Committee (the "DCMS Committee") made an order on 19 November 2018 calling for Mr Kramer, a US citizen temporarily present in the United Kingdom, to produce to the DCMS Committee documents (the "Sealed Documents") belonging to Facebook. These were disclosed by Facebook in proceedings before the California Superior Court and were sealed as confidential by that Court in accordance with a Protective Order made by it.

You will also be aware that the California Superior Court issued an Order on 20 November 2018 restraining the transmission, release or submission by Mr Kramer or Six4Three of the Sealed Documents pending further direction of the Court. The Order also directed the parties to file briefs addressing various matters, including matters of Parliamentary procedure and jurisdiction.

We understand that Mr Godkin directed these questions the DCMS Committee, which resulted in your instruction to write the letter referred to above.

Clarifications Sought

In accordance with due process under the Protective Order, and further to the Order of 20 November 2018, Mr Kramer yesterday served on Facebook and the California Superior Court evidence setting out the circumstances in which he came to disclose the Sealed Documents to Mr Collins, the Chair of the DCMS Committee, in (what he admits to be) breach of the Orders of the California Superior Court. He also enclosed a copy of your letter.

We write to seek clarification of matters arising from Mr Kramer's evidence and the information provided by Speaker's Counsel to the California Superior Court (via Mr Kramer).

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In short, Mr Kramer's evidence, as reflected in the brief filed with the California Superior Court, is that:

- he was fully aware that any disclosure to the DCMS Committee at the time would be in breach of Orders made by the California Supreme Court;
- the actions of the DCMS Committee and the Serjeant at Arms left him fearful for his reputation and his liberty; and
- he handed over the Sealed Documents after "*Mr. Collins and his staff kept [him in Mr Collins' office] for two hours, without representation, explaining in significant detail the procedures of the investigation into Mr. Kramer and the penalties associated with his continued non-compliance*" and after being told by Mr Collins and his staff that "*he was now in contempt of Parliament*".

We are not in a position to comment on the veracity of the claims made by Mr Kramer regarding the conduct of Mr Collins, the Serjeant at Arms and others, but we are immediately concerned that Mr Collins' alleged assertion that Mr Kramer "*was now in contempt of parliament*" is at odds with the procedure set out by Speaker's Counsel (and previously by the Committee on Privileges) and the facts as we understand them.

You have set out in some detail in your letter the parliamentary procedures to be followed. We understand the position is that:

- a) that it was open to the Committee to report a breach of its order to produce the documents to the House of Commons "*as a matter of potential contempt of Parliament*" (emphasis added);
- b) the House would then consider a motion to refer Mr Kramer's case to the Privileges Committee;
- c) it would then be for the Privileges Committee to consider the matter and, if appropriate, recommend a sanction, which would be put to the House for decision; and
- d) the sanctions available include admonishment, imprisonment or fine "*but in modern times these powers have been exercised sparingly*" (which we consider to be something of an understatement).

Although disobedience to an order of a committee may be a contempt of the House, not every failure to comply with an order for production of documents amounts automatically to contempt of parliament. That is a matter to be determined in accordance with the established procedure outlined above, and would require the Privileges Committee, and ultimately the House, to consider whether there had been "improper" obstruction causing "substantial interference" of the performance of the functions of the DCMS Committee.

We understand that the DCMS Committee decided at 11am on 21 November 2018 to report Mr Kramer's breach of its order to the House, and that Mr Collins subsequently did so. As far as we are aware, no further steps have been taken in respect of the report.

We should be grateful if you would clarify as a matter of urgency:

- a) what, if any, steps were taken by the House or by the Privileges Committee following the receipt of a report of breach of an order of the DCMS Committee by Mr Kramer, which we understand was reported to the House on 21 November 2018;
- b) in particular, whether any consideration of that report had been undertaken by the Privileges Committee at the time at which Mr Collins informed Mr Kramer that he "was

now in contempt of parliament" (which we understand to be at some point in the afternoon of 21 November 2018); and

- c) whether any finding of contempt had been recommended by the Privileges Committee or made by the House at that time?

We hope that you will appreciate the importance of this clarification to ensure, as far as still remains possible, that due process is followed and that we represent the position accurately to the California Court, with whom we are required to file our own brief in respect of these issues by 28 November 2018.

Yours faithfully

A handwritten signature in black ink, reading "Hogan Lovells International LLP". The signature is written in a cursive, flowing style.

Hogan Lovells International LLP

CC Speaker of the House of Commons (speakersoffice@parliament.uk) – Speaker's Office, House of Commons, London, SW1A 0AA

Chair of the Committee on Privileges (privileges@parliament.uk) – Committee of Privileges, Journal Office, House of Commons, Westminster, London SW1A 0AA



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4 December 2018

By email (salimis@parliament.uk)

Speaker's Counsel
House of Commons
Richmond House
London SW1A 0AA

Charles Brasted
Partner
charles.brasted@hoganlovells.com
D +44 20 7296 5025

Our ref C6/CRNB/9074552
Matter ref 160636/000005

Dear Madam

RE: DCMS COMMITTEE ORDER FOR THE PRODUCTION OF INFORMATION – THEODORE KRAMER

We refer to your letter of 27 November 2018. We adopt the defined terms in our previous letter, also of 27 November 2018.

We and our client are grateful for the useful correspondence we have had with the Office of the Speaker's Counsel to date, and for the timely guidance provided to the relevant parties.

The Chair of the Committee has himself described the Committee as entering "uncharted territory" in seeking to enforce its Order against Mr Kramer in the face of the on-going judicial proceedings before the California Superior Court. He was right to describe it as such. We are writing to ensure that your office is aware of relevant developments in those proceedings.

There is a long tradition of Parliamentary respect for judicial process, including specific provision for matters that are *sub judice*. While those rules do not apply directly to the current California proceedings, the principles behind them nevertheless resonate in these circumstances. As the House of Commons Procedure Committee has recognised, one of the primary aims of the *sub judice* rules is to uphold the principle of comity which holds that Parliament and the courts should not trespass upon each other's jurisdiction.

It is wholly exceptional for the Serjeant at Arms to be deployed to attend a private citizen at his hotel and require him to hand over documents to a Committee of the House. More so for that Order to be made and served in circumstances where the Committee was aware that the documents had been sealed by Orders of the California Court, and Mr Kramer, a US citizen bound by those Court Orders, was clear that to hand them over would be a breach of the Orders of that Court for which he would be answerable.

We understand from your previous correspondence that no finding of contempt of Parliament had been made against Mr Kramer at the time that he provided the documents to Mr Collins. Mr Kramer's evidence in the California proceedings is that he handed over the documents, absent legal counsel, in the belief that he was at risk of fine or imprisonment. In accordance with established Parliamentary procedures, no finding of contempt could have been made until the House of Commons Privileges Committee, and the House, had concluded that the failure to comply with the Order was an unreasonable obstruction to the work of the Committee. Any

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sanction would then have been a matter for the House, on the recommendation of the Privileges Committee.

On 30 November 2018, the California Superior Court ordered that Mr Kramer and his counsel surrender laptops and mobile devices for forensic examination, in order to understand precisely what documents have been improperly disclosed and how. The Court found that Mr Kramer's disclosure of sealed documents was an "*unconscionable*" violation of Court orders and "*a compromise of the integrity of [the] judicial system.*"

The next hearing in this matter will take place on 7 December 2018.

We note the statement by the DCMS Committee that it now intends to publish on the website of the House of Commons the Sealed Documents disclosed to it by Mr Kramer. Our client considers that such publication without due process (and with no opportunity for parties to be heard), is neither justified nor appropriate in light of the above.

Our client would be prepared to discuss the contents of the Sealed Documents in private in order to assist the DCMS Committee with its inquiry, and to ensure that it has the best possible opportunity to pursue its inquiry without causing unnecessary prejudice to on-going legal proceedings.

Should you wish to discuss this matter further please do not hesitate to contact me at the above address.

Yours faithfully

A handwritten signature in black ink that reads "Hogan Lovells". The signature is written in a cursive, flowing style.

CC Office of the Speaker of the House of Commons (speakersoffice@parliament.uk)

Exhibit 2

April 3, 2019

VIA EMAIL

Jack Russo
Christopher Sargent
Computerlaw Group LLP
401 Florence Street
Palo Alto, CA 94301
jrusso@computerlaw.com
csargent@computerlaw.com
ecf@computerlaw.com

Re: *Six4Three, LLC v. Facebook, Inc.*
Case No. CIV 533328

Dear Mr. Russo:

I write in response to your letter of March 20, 2019.

Your letter and statements to the Court are inaccurate as to Mr. Kramer's communications with the DCMS Committee. As is evident from the documents that you cite, Mr. Kramer never received a "subpoena" from the DCMS Committee. Nor could he have. As was discussed at length in Facebook's November 28, 2018 submission to the Court, which included a 9-page declaration from a practicing barrister of the Queen's Counsel with a specialty practice in United Kingdom constitutional and administrative law, parliamentary select committees of the House of Commons operate entirely independently from the United Kingdom court system. *See* Nov. 28, 2018 Submission, Section III.A.; Gordon Decl. ¶¶ 5, 12–14; Letter from Speaker's Counsel to Kramer (Nov. 23, 2018) at 2 (The letter "is not issued by a court but by Parliament."). An order for the production of documents by a select committee cannot be enforced by the United Kingdom Courts. *Id.* Thus, Mr. Kramer did **not** receive "a subpoena or a court order issued in other litigation."

You have also repeatedly stated that Mr. Kramer was given notice "of being in contempt of Parliament at the time he was compelled to provide the documents to the DCMS Committee." *See* March 20 Letter from Russo to Lerner; *see also* March 15 Hearing Tr. at 51:20–25 ("[Kramer] was under a contempt citation by Parliament at the time. It was not just that he had been served a subpoena. They had actually given him notice that he was in contempt of that order at the time that he did that turnover."). But the documents you reference in your letter show that this is untrue. Notwithstanding Mr. Kramer's self-serving statement that Mr. Collins told him that he believed Mr. Kramer was in contempt, Mr. Collins' letter to Mr. Kramer on November 21, 2018 merely stated that the DCMS Committee had reported Mr.

Kramer's initial decision to abide by the Court's orders to the full House of Commons. As far as Facebook is aware, no subsequent action was taken against Mr. Kramer. Again, if you review Facebook's detailed November 28, 2018 submission to the Court, we set forth the multi-step process for enforcing an order of a select committee, which requires multiple rounds of debate by the full House of Commons and the Committee of Privileges. If Mr. Kramer had taken the minimally prudent measure of seeking legal advice from a lawyer in the United Kingdom prior to violating multiple orders of the Court, he would have known that there were many prerequisites to a finding of contempt, and he would have known that the power to fine or imprison upon a finding of contempt has not been exercised *in over a century*. The last fine was imposed in the 1600s, and the last imprisonment for contempt was in the 1800s. Indeed, the Committee of Privileges has expressed doubt as to whether the power to fine or imprison still exists. See Nov. 28, 2018 Submission, Section III.H; Gordon Decl. ¶¶ 28–30. Again, Mr. Kramer would have learned all of this if he had taken the reasonable step of investigating these issues prior to disclosing Facebook's confidential information in violation of multiple Court orders.

We will not belabor the point, but the Court has already ruled that Six4Three and its legal team's disclosure of at least some of the summaries to media and governmental entities was done in violation of the protective order:

The summaries at issue not only summarize the allegations, *but also analyze in detail the confidential information obtained from Facebook*. For instance, in an email exchange initiated by Mr. Godkin to the Information Commissioner's Office, with the subject line, "Extensive evidence regarding Facebook's treatment of friend data and user privacy," Mr. Godkin introduced himself and stated that he and his firm had "obtained extensive discovery of communications between Zuckerberg and numerous executives . . . that [they] believe[] is highly relevant to the Cambridge Analytical investigation. . . . In the email, Six4Three's counsel explicitly writes that *the summary is one of evidence and not the allegations*.

See March 15, 2019 Order at 3–4. The Court then goes on to document multiple instances in which Mr. Kramer and Mr. Scaramellino disclosed Facebook's confidential information to third parties. See, e.g., *id.* at 4–6. We encourage you to review the Court's order.

Contrary to your baseless assertion that our "firm represented that it too communicated with Parliament," we did not do so, and did not represent that we did so. Rather, we stated that Facebook communicated with the DCMS Committee following Mr. Kramer's improper disclosure but before the DCMS Committee publicized the documents. See, e.g., March 15 Hearing Tr. at 50:5–20. This was widely publicized at the time. See, e.g., <https://techcrunch.com/2018/11/25/uk-parliament-seizes-cache-of-internal-facebook-documents-to-further-privacy-probe/>. To be clear, just as the DCMS Committee had no ability to compel Mr. Kramer's compliance with its order, there is no parliamentary procedure by

April 3, 2019
Page 3

which Facebook could have prevented the release of its information once it was in the possession of Mr. Collins.

Finally, as referenced above and in our prior communication, please review Facebook's November 28, 2018 submission to the Court. Your repeated insistence—most recently on March 20th and 22nd—that Facebook address questions that it has already answered to the satisfaction of the Court is a pointless waste of the parties' time.

Best regards,

A handwritten signature in black ink, appearing to read "JOSHUA LERNER", followed by a long horizontal flourish.

Joshua H. Lerner
Counsel for Defendant Facebook, Inc.

cc: Counsel of Record via email

Exhibit 3

DURIE TANGRI LLP
SONAL N. MEHTA (SBN 222086)
smehta@durietangri.com
JOSHUA H. LERNER (SBN 220755)
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217 Leidesdorff Street
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Telephone: 415-362-6666
Facsimile: 415-236-6300

Attorneys for Defendants
Mark Zuckerberg, Christopher Cox, Javier Olivan, Samuel
Lessin, Michael Vernal, and Ilya Sukhar

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

SIX4THREE, LLC, a Delaware limited liability
company,

Plaintiff,

v.

FACEBOOK, INC., a Delaware corporation;
MARK ZUCKERBERG, an individual;
CHRISTOPHER COX, an individual;
JAVIER OLIVAN, an individual;
SAMUEL LESSIN, an individual;
MICHAEL VERNAL, an individual;
ILYA SUKHAR, an individual; and
DOES 1-50, inclusive,

Defendants.

Case No. CIV 533328

Assigned for all purposes to Hon. V. Raymond
Swope, Dept. 23

**INDIVIDUAL DEFENDANTS' SPECIAL
INTERROGATORIES TO PLAINTIFF
SIX4THREE, LLC PURSUANT TO
CALIFORNIA CODE OF CIVIL
PROCEDURE ("CCP") SECTION 708.020 ET
SEQ. (SET ONE)**

Dept: 23 (Complex Civil Litigation)
Judge: Honorable V. Raymond Swope

FILING DATE: April 10, 2015
TRIAL DATE: April 25, 2019

PROPOUNDING PARTY: **DEFENDANTS MARK ZUCKERBERG, CHRISTOPHER
COX, JAVIER OLIVAN, SAMUEL LESSIN, MICHAEL
VERNAL, AND ILYA SUKHAR**

RESPONDING PARTY: **PLAINTIFF SIX4THREE, LLC**

SET: **ONE**

Pursuant to California Code of Civil Procedure ("CCP") section 708.020 *et seq.*, Defendants Mark Zuckerberg, Christopher Cox, Javier Olivan, Samuel Lessin, Michael Vernal, and Ilya Sukhar (collectively "Individual Defendants") request that Plaintiff Six4Three, LLC ("Six4Three") answer separately and completely, in writing, under oath, within 30 days of service hereof, each of the specially prepared interrogatories ("Interrogatories") set forth below in accordance with the following Definitions and Instructions.

DEFINITIONS

As used herein, the following terms shall have the following meanings:

A. "ALL" includes any and all; the singular form of a noun or pronoun includes the plural form of the noun or pronoun, and vice versa; the neuter form of a pronoun includes the masculine and feminine forms of the pronoun, and vice versa; and the use of any tense of any verb includes all other tenses of the verb. In each such instance, the Interrogatory shall be construed so as to furnish the most complete and inclusive answer.

B. "DESCRIBE IN DETAIL" means to describe fully by reference to underlying facts rather than by ultimate facts or conclusions of facts or law and to particularize as to time, place, and manner, to IDENTIFY ALL natural persons or entities with knowledge of those facts, and to IDENTIFY ALL DOCUMENTS concerning such facts.

C. "DOCUMENT" and "DOCUMENTS" mean and refer to any written, printed, typed, recorded, magnetic, digitized, punched, copied, graphic or other tangible thing in, through, or from which information may be embodied, translated, conveyed, or stored INCLUDING letters, correspondence, memoranda, notes, records, minutes, studies, reports, ledgers, books, notebooks, pamphlets, announcements, publications, advertisements, sales literature, brochures, manuals, price lists, messages, papers, legal instruments, agreements, telegrams, telexes, electronic mail, electronic attachments,

1 dictation tapes, audio tapes, video tapes, film, computer files, computer tapes (INCLUDING backup
2 tapes), computer discs (INCLUDING back up discs), computer printouts, microfilm, microfiche,
3 worksheets, diaries, calendars, photographs, prints, pictures, charts, drawings, sketches, graphs, and all
4 other "writings" as defined in CCP section 250, as well as data stored in a computer, data stored on
5 removable magnetic or optical media (e.g., magnetic tape, floppy discs and recordable optical disks), data
6 used for electronic data interchange, audit trails, digitized pictures and video (e.g., data stored in MPEG,
7 JPEG and GIF formats), and digitized audio and voicemail. A draft or non-identical copy is a separate
8 DOCUMENT within the meaning of this term.

9 D. "FACEBOOK" shall refer to Defendant Facebook, Inc.

10 E. "SIX4THREE," "643," "YOU," and "YOUR" refers to Plaintiff Six4Three, LLC.

11 F. The "643 APP" refers to the Pikinis application created by Six4Three.

12 G. "IDENTIFY," when used with respect to a document, shall be read to require YOU to
13 identify the document by production number in this litigation, or, if the document has not been produced
14 in this litigation, to state the type or nature of the document or filing description, the date of its
15 preparation, the identity of the person(s) who prepared the document, the identity of person(s) who
16 signed the document, the sender, the recipient(s) and addressee(s), a description of the subject matter and
17 content, the name and address of any person having possession, custody, or control of the same or a true
18 copy thereof, and all other means of identifying the document with sufficient particularity so as to satisfy
19 the requirements for its inclusion in a demand or interrogatory for its production pursuant to California
20 Code of Civil Procedure Section 2030.220 including section and page number.

21 H. "IDENTIFY," when used with respect to an event or fact, shall be read to require YOU to
22 state the date of the instance and the identity of the parties involved, to describe the circumstances
23 surrounding and subject matter communicated as part of the instance, and to IDENTIFY all relevant
24 DOCUMENTS.

25 I. "IDENTIFY," when used in reference to a natural person, shall be read to require YOU to
26 provide the full name, the present or last known business and residence addresses, the present or last
27 known business affiliation or position, and the position during the time specified of said individual.

28 J. "INCLUDING" means including, but not limited to, the referenced item or items.

1 K. "PERSON" and "PERSONS" mean any natural person and any other cognizable business,
2 legal, or governmental entity or association, INCLUDING corporations, proprietorships, partnerships,
3 joint ventures, consortiums, clubs, associations, foundations, governmental agencies or instrumentalities,
4 societies and orders.

5 L. "RELATING TO" and "RELATE TO" shall be construed in its broadest sense to require
6 information or documents that constitute, contain, reflect, identify, describe, discuss, summarize,
7 evidence, reference, explain, comment on or concern in any way the subject matter of the request.

8 M. "STATE THE COMPLETE FACTUAL BASIS" means to set forth a complete and
9 detailed statement of all information, circumstances and facts that RELATE TO, comprise or bear upon
10 the subject matter of the Interrogatory, INCLUDING identifying (i) all PERSONS knowledgeable and/or
11 involved in the subject matter of the Interrogatory; (ii) all relevant DOCUMENTS; and (iii) all relevant
12 dates.

13 N. A request to IDENTIFY EVERY PERSON means to provide each PERSON'S name, title
14 and last known business or residential address and telephone number.

15 **INSTRUCTIONS**

16 1. Unless otherwise specified, the applicable time period for these discovery requests shall
17 be January 1, 2012, through the date of the final responses to these discovery requests.

18 2. These Interrogatories seek information to the fullest extent provided for in the CCP and
19 shall be interpreted so as to make each Interrogatory inclusive rather than exclusive.

20 3. YOU are requested to answer each Interrogatory set forth below separately and
21 completely in writing under oath. YOUR response hereto is to be signed and verified by the person
22 making it, and the objections signed by the attorney making them, as required by CCP sections 2030.210
23 and 2030.250.

24 4. Each Interrogatory shall be answered fully unless it is objected to in good faith, in which
25 event the reasons for YOUR objection shall be stated in detail. If an objection pertains to only a portion
26 of an Interrogatory, or a word, phrase or clause contained within it, YOU are required to state YOUR
27 objection to that portion only and to respond to the remainder of the Interrogatory, using YOUR best
28 efforts to do so.

5. A representation of inability to comply with a particular Interrogatory or any portion thereof shall affirm that a reasonable and good faith effort to obtain the information sought by the Interrogatory has been made.

SPECIAL INTERROGATORIES

SPECIAL INTERROGATORY NO. 1:

IDENTIFY SIX4THREE's official name, any other business name(s) under which it operates, each address and telephone number of each place of business, its state of residency, legal status, date of formation, and federal tax identification number.

SPECIAL INTERROGATORY NO. 2:

IDENTIFY each PERSON having an interest (whether equity, security, debt, or other legal interest) in SIX4THREE, including, but not limited to, partners, shareholders, and/or agents—specifying as to each the title and relationship to SIX4THREE and the value of the interest held by such PERSON in SIX4THREE.

SPECIAL INTERROGATORY NO. 3:

DESCRIBE IN DETAIL all real estate owned in whole or in part by you, whether in YOUR name or not—specifying as to each piece of real estate: (i) the address; (ii) date of acquisition; (iii) most recent assessed value; (iv) fair market value; and (v) any income derived therefrom.

SPECIAL INTERROGATORY NO. 4:

DESCRIBE IN DETAIL all business entities owned in whole or in part by YOU, whether in YOUR name or that of another and wherever located.

SPECIAL INTERROGATORY NO. 5:

DESCRIBE IN DETAIL all property that YOU own in whole or in part, whether in YOUR name or that of another and wherever located—including, but not limited to: (i) all checking and savings accounts, as well as all bank names, account numbers and balances; (ii) jewelry; (iii) motor vehicles or watercraft (make, model, year, license number, serial/VIN number, state of registration, and fair market value); (iv) debts or notes owed by another to YOU; (v) stocks, bonds, or other securities; (vi) office equipment, including without limitation furniture, mobile or landline phones, computers and computer accessories, and all other electronic devices; (vii) inventory (specifying as to each a description, the

amount, value, and location); (viii) judgments held by YOU against third parties (specifying as to each the court, case number, case name, and amount); and (ix) intellectual property (specifying as to each the type, interest, and value).

SPECIAL INTERROGATORY NO. 6:

IDENTIFY all property of SIX4THREE held by third parties—specifying as to each property: (i) the person holding said property; (ii) the location of said property; (iii) a description of said property; and (iv) the value of said property.

SPECIAL INTERROGATORY NO. 7:

DESCRIBE IN DETAIL all safes or safe-deposit boxes used by YOU, including but not limited to the banking institution where it is located, in whose name it is listed, how it is numbered or identified, and its contents.

SPECIAL INTERROGATORY NO. 8:

IDENTIFY each PERSON or entity for whom you performed services since January 1, 2012 and state the amount you were paid for your services or the amount you are owed for your services.

SPECIAL INTERROGATORY NO. 9:

IDENTIFY the name, address, and telephone number of ALL PERSONS or entities that are indebted to YOU, and provide the amount of each account or note receivable.

SPECIAL INTERROGATORY NO. 10:

DESCRIBE IN DETAIL any vested future interest YOU have in any property or in the payment of any money, specifying as to each interest, (i) the location of the property or money; (ii) the identity and address of all PERSONS that may be involved; (iii) the circumstances that will cause the property or money to inure to YOUR benefit; and (iv) the probable value of such property or money.

SPECIAL INTERROGATORY NO. 11:

DESCRIBE IN DETAIL any money or property held in trust for YOU, including but not limited to, (i) the name of the trustee or fiduciary; (ii) the name of/on the trust; (iii) the money or property held in trust; (iv) the value thereof; (v) the date, if any, upon which the trust is to terminate; (vi) the amount of income which is or may be received therefrom; (vii) the timing or schedule of any such payments; (viii)

the value of the corpus of the trust which may be distributed to YOU; and (ix) the expected date of distribution.

SPECIAL INTERROGATORY NO. 12:

DESCRIBE IN DETAIL any transfer of over \$500 made to or from YOU from January 1, 2012 to present—specifying as to each transfer: (i) the name of the transferee; (ii) the name of the transferor; (iii) the amount transferred; (iv) the date of the transfer; and (v) the reason for the transfer.

SPECIAL INTERROGATORY NO. 13:

Provide the following information relating to ALL insurance policies now in force and owned directly or indirectly by YOU:

Number of Policy	Name of Company	Amount of Policy	Present Cash Surrender Value Accumulated Dividends

SPECIAL INTERROGATORY NO. 14:

IDENTIFY all sources of income for the following years:

Source	2012	2013	2014	2015	2016	2017	2018
Dividends							
Interest							
Income from Business							
Partnership Income							

Source	2012	2013	2014	2015	2016	2017	2018
Capital Gains							
Rents and Royalties							
Disposition of Precious Metals							

SPECIAL INTERROGATORY NO. 15:

With respect to each of the items set forth in the preceding interrogatory, state the name, address, and telephone number of the source from which the income was received (and provide account numbers where applicable).


SPECIAL INTERROGATORY NO. 16:

Have you any other assets or an interest in assets, either actual or contingent, other than those listed in the previous interrogatory requests (i.e., antiques, stamp collections, boat, musical instruments, etc.)? If so, please describe the assets in detail, IDENTIFY the location of the asset, and state the current fair market value of each such asset.

Dated: May 3, 2019

DURIE TANGRI LLP

By: _____


SONAL N. MEHTA
JOSHUA H. LERNER
LAURA E. MILLER
CATHERINE Y. KIM
ZACHARY G. F. ABRAHAMSON

Attorneys for Defendants
Mark Zuckerberg, Christopher Cox, Javier Olivan,
Samuel Lessin, Michael Vernal, and Ilya Sukhar

1 **PROOF OF SERVICE**

2 I am employed in San Francisco County, State of California, in the office of a member of the bar
3 of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a
4 party to the within action. My business address is 217 Leidesdorff Street, San Francisco, CA 94111.

5 On May 3, 2019, I served the following documents in the manner described below:

6 **INDIVIDUAL DEFENDANTS' SPECIAL INTERROGATORIES TO PLAINTIFF**
7 **SIX4THREE, LLC (SET ONE)**

- 8 ☒ (BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier
and/or process server for hand delivery on this date.
- 9 ☒ BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy through
10 Durie Tangri's electronic mail system from ckim@durietangri.com to the email addresses
set forth below.

11 On the following part(ies) in this action:

12 **VIA MESSENGER SERVICE**
13 **AND EMAIL**

14 Theodore Kramer
1267 Chestnut St., Apt. 6
San Francisco, CA 94109
ted@six4three.com

15 *Agent for Service of Process for*
16 *Six4Three, LLC*

12 **VIA EMAIL ONLY**

Jack Russo
Christopher Sargent
ComputerLaw Group, LLP
401 Florence Street
Palo Alto, CA 94301
jrusso@computerlaw.com
csargent@computerlaw.com
ecf@computerlaw.com

17 *Attorney for Theodore Kramer and Thomas*
18 *Scaramellino (individual capacities)*

19
20 I declare under penalty of perjury under the laws of the United States of America that the
21 foregoing is true and correct. Executed on May 3, 2019, at San Francisco, California.

22 
23 _____
Catherine Kim

Exhibit 4

DURIE TANGRI LLP
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Telephone: 415-362-6666
Facsimile: 415-236-6300

Attorneys for Defendants
Mark Zuckerberg, Christopher Cox, Javier Olivan, Samuel
Lessin, Michael Vernal, and Ilya Sukhar

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

SIX4THREE, LLC, a Delaware limited liability
company,

Plaintiff,

v.

FACEBOOK, INC., a Delaware corporation;
MARK ZUCKERBERG, an individual;
CHRISTOPHER COX, an individual;
JAVIER OLIVAN, an individual;
SAMUEL LESSIN, an individual;
MICHAEL VERNAL, an individual;
ILYA SUKHAR, an individual; and
DOES 1-50, inclusive,

Defendants.

Case No. CIV 533328

**Assigned for all purposes to Hon. V. Raymond
Swope, Dept. 23**

**INDIVIDUAL DEFENDANTS' REQUESTS
FOR PRODUCTION TO PLAINTIFF
SIX4THREE, LLC (SET ONE)**

Dept: 23 (Complex Civil Litigation)
Judge: Honorable V. Raymond Swope

FILING DATE: April 10, 2015
TRIAL DATE: April 25, 2019

1 **PROPOUNDING PARTY:** **DEFENDANTS MARK ZUCKERBERG, CHRISTOPHER**
2 **COX, JAVIER OLIVAN, SAMUEL LESSIN, MICHAEL**
3 **VERNAL, AND ILYA SUKHAR**
4 **RESPONDING PARTY:** **PLAINTIFF SIX4THREE, LLC**
5 **SET:** **ONE**

6 Pursuant to California Code of Civil Procedure (“CCP”) section 708.030 *et seq.*, Defendants
7 Mark Zuckerberg, Christopher Cox, Javier Olivan, Samuel Lessin, Michael Vernal, and Ilya Sukhar
8 (collectively “Individual Defendants”) request and demand that Plaintiff Six4Three, LLC (“Plaintiff”)
9 produce for inspection and copying the following documents or categories of documents in its
10 possession, custody, or control. Pursuant to California Code of Civil Procedure section 708.030, Plaintiff
11 is required to serve a response to this production demand within 30 days after the date of service of this
12 demand. The document requests set forth below (“Document Requests”) are to be responded to in
13 accordance with the following Definitions and Instructions.

14 **DEFINITIONS**

15 As used herein, the following terms shall have the following meanings:

16 A. “ANY” includes any and all, and “ALL” includes any and all; the singular form of a noun
17 or pronoun includes the plural form of the noun or pronoun, and vice versa; the neuter form of a pronoun
18 includes the masculine and feminine forms of the pronoun, and vice versa; and the use of any tense of
19 any verb includes all other tenses of the verb. In each such instance, the Document Request shall be
20 construed so as to furnish the most complete and inclusive answer.

21 B. “CONSTITUTING,” “REFLECTING,” “REGARDING,” “RELATING TO” and
22 “RELATE TO” shall be construed in their broadest sense to require information or documents that
23 constitute, contain, reflect, identify, describe, discuss, demonstrate, summarize, evidence, show,
24 reference, explain, comment on or concern in any way the subject matter of the request.

25 C. “DOCUMENT” and “DOCUMENTS” means any written, printed, typed, recorded,
26 magnetic, digitized, punched, copied, graphic or other tangible thing in, through, or from which
27 information may be embodied, translated, conveyed, or stored including letters, correspondence,
28 memoranda, notes, records, minutes, studies, reports, ledgers, books, notebooks, pamphlets,

1 announcements, publications, advertisements, sales literature, brochures, manuals, price lists, messages,
2 papers, legal instruments, agreements, telegrams, telexes, electronic mail, electronic attachments,
3 dictation tapes, audio tapes, video tapes, film, computer files, computer tapes (including backup tapes),
4 computer discs (including backup discs), computer printouts, microfilm, microfiche, worksheets, diaries,
5 calendars, photographs, prints, pictures, charts, drawings, sketches, graphs, and all of the writings or
6 drafts thereof as defined in California Evidence Code section 250, as well as data stored in a computer,
7 computer networks, hard-drives, USB drives, CDs, DVDs, data stored on removable magnetic or optical
8 media (e.g., magnetic tape, floppy discs and recordable optical disks), data used for electronic data
9 interchange, audit trails, digitized pictures and video (e.g., data stored in MPEG, JPEG and GIF formats),
10 and digitized audio and voicemail. A draft or non-identical copy is a separate document within the
11 meaning of this term.

12 D. "COMMUNICATIONS" means the transmittal of information (in the form of facts, ideas,
13 inquiries, or otherwise).

14 E. "FACEBOOK" shall refer to Defendant Facebook, Inc.

15 F. "643" and "SIX4THREE" refers to Plaintiff Six4Three LLC.

16 G. "INCLUDING" means including, but not limited to, the referenced item or items.

17 H. "PERSON" and "PERSONS" mean any natural person and any other cognizable business,
18 legal, or governmental entity or association, INCLUDING corporations, proprietorships, partnerships,
19 joint ventures, consortiums, clubs, associations, foundations, governmental agencies or instrumentalities,
20 societies and orders.

21 I. "YOU" and "YOUR" refers to Plaintiff Six4Three LLC.

22 J. As used herein, the words "and" and "or" shall be either conjunctive or disjunctive as
23 necessary to bring within the scope of the discovery request all responses that might otherwise be
24 construed to be outside of its scope.

25 INSTRUCTIONS

26 1. These Document Requests seek the production of DOCUMENTS to the fullest extent
27 provided for in the California Rules of Civil Procedure and shall be interpreted so as to make each
28 Document Request inclusive rather than exclusive.

1 2. The original and each non-identical copy of each DOCUMENT or other tangible thing
2 requested herein which is in YOUR possession, custody or control is to be produced. If the original is
3 not in YOUR possession, custody or control, a full, clear, legible copy thereof is to be produced.

4 3. Each Document Request shall be answered fully unless it is in good faith objected to, in
5 which event the reasons for YOUR objection shall be stated in detail. If an objection pertains to only a
6 portion of a Request, or a word, phrase, or clause contained within it, YOU are required to state YOUR
7 objection to that portion only and to respond to the remainder of the Request, using YOUR best efforts to
8 do so.

9 4. Pursuant to California Code of Civil Procedure section 708.030, each DOCUMENT or
10 thing produced in response to these Document Requests is to be produced as it is kept in the usual course
11 of business, INCLUDING all metadata, file folders, binders, notebooks and other devices or storage
12 media on which such DOCUMENT may be organized, separated or stored.

13 5. A representation of inability to comply with a particular Document Request or any portion
14 thereof shall affirm that a diligent search and a reasonable inquiry have been made. Such affirmation
15 shall also specify whether the inability to comply is because the item has never existed, has been
16 destroyed, has been lost, misplaced or stolen, or has never been, or no longer is, in YOUR possession,
17 custody, or control. If the item is not in YOUR possession, custody or control, the statement shall
18 specify the name and address of any PERSON believed to have such possession, custody or control.

19 6. In responding to these Document Requests, YOU are specifically directed to review the
20 personnel files, records, notes, correspondence, daily calendars, telephone logs, electronic and digital
21 files and data and email of all PERSONS with knowledge of the information inquired about in each
22 Request.

23 7. If YOU object or refuse to produce any DOCUMENT responsive to any Document
24 Request on grounds other than the work-product doctrine, please describe the ground(s) separately, fully
25 and with particularity.

26 8. If YOU or YOUR counsel assert that any DOCUMENT or thing required to be produced
27 is protected from discovery on the basis of the work-product doctrine or otherwise, please set forth in
28

1 YOUR written response hereto with respect to each DOCUMENT for which a claim of work product
2 protection is made:

3 a. The approximate date, and manner of recording, creating or otherwise preparing
4 the DOCUMENT;

5 b. The name and organizational position, if any, of each sender of the DOCUMENT;

6 c. The name and organizational position, if any, of each recipient or custodian of the
7 DOCUMENT;

8 d. The name and organizational position, if any, of each PERSON (other than
9 stenographic or clerical assistants) participating in the preparation or creation of the DOCUMENT;

10 e. The name and organizational position, if any, of each PERSON to whom the
11 contents of the DOCUMENT or any portion thereof have heretofore been communicated by copy,
12 exhibition, reading, summarization or otherwise; and

13 f. A statement of the basis on which work product protection is claimed with respect
14 to each DOCUMENT and whether or not its contents are limited solely to attorney work product.

15 **REQUESTS FOR PRODUCTION**

16 **REQUEST FOR PRODUCTION NO. 1:**

17 ALL DOCUMENTS relating to the official corporate records of SIX4THREE—including, but
18 not limited to: (i) bylaws; (ii) articles of incorporation; (iii) meeting minutes; (iv) agendas; (v)
19 summaries; (vi) organizational charts; and (vii) lists of shareholders—and DOCUMENTS sufficient to
20 IDENTIFY each PERSON having an interest (whether equity, security, debt, or other legal interest) in
21 SIX4THREE (including partners, shareholders, and/or agents) and the value of such interest.

22 **REQUEST FOR PRODUCTION NO. 2:**

23 ALL DOCUMENTS and COMMUNICATIONS relating to any real estate in which YOU have
24 an ownership interest, and any income YOU derive therefrom, whether directly or indirectly.

25 **REQUEST FOR PRODUCTION NO. 3:**

26 ALL DOCUMENTS and COMMUNICATIONS relating to any business entity in which YOU
27 have an ownership interest.
28

1 **REQUEST FOR PRODUCTION NO. 4:**

2 ALL DOCUMENTS and COMMUNICATIONS relating to financial statements executed,
3 drafted, or issued by YOU since January 1, 2012.

4 **REQUEST FOR PRODUCTION NO. 5:**

5 ALL DOCUMENTS and COMMUNICATIONS relating to ALL property that YOU own in
6 whole or in part, whether in YOUR name or that of another and wherever located—including, but not
7 limited to: (i) all checking and savings accounts, as well as ALL bank names, account numbers and
8 balances; (ii) jewelry; (iii) motor vehicles or watercraft (make, model, year, license number, serial/VIN
9 number, state of registration, and fair market value); (iv) debts or notes owed by another to YOU; (v)
10 stocks, bonds, or other securities; (vi) office equipment, including without limitation furniture, mobile or
11 landline phones, computers and computer accessories, and all other electronic devices; (vii) inventory
12 (specifying as to each a description, the amount, value, and location); (viii) judgments held by YOU
13 against third parties (specifying as to each the court, case number, case name, and amount); and (ix)
14 intellectual property (specifying as to each the type, interest, and value).

15 **REQUEST FOR PRODUCTION NO. 6:**

16 ALL DOCUMENTS and COMMUNICATIONS relating to ALL property of SIX4THREE held
17 by third parties.

18 **REQUEST FOR PRODUCTION NO. 7:**

19 ALL DOCUMENTS and COMMUNICATIONS relating to ALL safes or safe-deposit boxes used
20 by YOU.

21 **REQUEST FOR PRODUCTION NO. 8:**

22 ALL DOCUMENTS and COMMUNICATIONS relating to any vested future interest YOU have
23 in any property or in the payment of any money.

24 **REQUEST FOR PRODUCTION NO. 9:**

25 ALL DOCUMENTS and COMMUNICATIONS relating to any money or property held in trust
26 for YOU.

27 **REQUEST FOR PRODUCTION NO. 10:**

28 ALL federal and state corporate tax returns SIX4THREE has filed for tax years 2009 to present.

1 **REQUEST FOR PRODUCTION NO. 11:**

2 ALL DOCUMENTS and COMMUNICATIONS relating to any loans and/or mortgages owed to
3 SIX4THREE.

4 **REQUEST FOR PRODUCTION NO. 12:**

5 ALL DOCUMENTS and COMMUNICATIONS relating to any transfer over \$500 made to or
6 from SIX4THREE from January 1, 2012 to present.

7 **REQUEST FOR PRODUCTION NO. 11:**

8 DOCUMENTS sufficient to show each PERSON or entity for whom YOU performed services
9 since January 1, 2012 and the amount YOU were paid for your services or the amount YOU are owed for
10 YOUR services.


11 **REQUEST FOR PRODUCTION NO. 12:**

12 ALL DOCUMENT and COMMUNICATIONS relating to ALL insurance policies now in force
13 and owned directly or indirectly by YOU.

14
15 Dated: May 3, 2019

DURIE TANGRI LLP

16
17 By: _____


SONAL N. MEHTA
JOSHUA H. LERNER
LAURA E. MILLER
CATHERINE Y. KIM
ZACHARY G. F. ABRAHAMSON

20 Attorneys for Defendants
21 Mark Zuckerberg, Christopher Cox, Javier Olivan,
22 Samuel Lessin, Michael Vernal, and Ilya Sukhar
23
24
25
26
27
28

1 **PROOF OF SERVICE**

2 I am employed in San Francisco County, State of California, in the office of a member of the bar
3 of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a
4 party to the within action. My business address is 217 Leidesdorff Street, San Francisco, CA 94111.

5 On May 3, 2019, I served the following documents in the manner described below:

6 **INDIVIDUAL DEFENDANTS' REQUESTS FOR PRODUCTION TO PLAINTIFF**
7 **SIX4THREE, LLC (SET ONE)**

- 8 ☒ (BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier
and/or process server for hand delivery on this date.
- 9 ☒ BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy through
10 Durie Tangri's electronic mail system from ckim@durietangri.com to the email addresses
set forth below.

11 On the following part(ies) in this action:

12 **VIA MESSENGER SERVICE**
13 **AND EMAIL**

14 Theodore Kramer
1267 Chestnut St., Apt. 6
San Francisco, CA 94109
ted@six4three.com

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12 **VIA EMAIL ONLY**

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17 *Attorney for Theodore Kramer and Thomas*
18 *Scaramellino (individual capacities)*

19
20
21 I declare under penalty of perjury under the laws of the United States of America that the
22 foregoing is true and correct. Executed on May 3, 2019, at San Francisco, California.

23
24 
Catherine Kim


Kramer Decl May 7 2019


Final Audit Report


2019-05-07


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